

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ABRAHAM "AVI" BASHER,

Plaintiff,

- v -

MADONNA REALTY CORP., et al.,

Defendants.
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ORDER

CV-01-5116 (DLI) (VVP)

By letter dated August 21, 2006, the plaintiff seeks (1) an order barring the defendant Rachel Basher from harassing or intimidating the plaintiff, directly or indirectly, and (2) an extension of time to provide discovery. The defendant has responded by letter dated August 21, 2006 objecting to the factual premises for the requested harassment order and seeking a extension if the entire discovery schedule. In addition, the defendant has sought an order compelling the plaintiff to return for further examination by the defendant's physician.

Happily, the passage of time has eliminated some of the disputes; the plaintiff has provided most of the discovery and has agreed to a further examination. The request for an extension of time now appears to be limited to the time for providing an the plaintiff' expert's report, which time is extended to September 1, 2006. The defendant's time to provide an expert's report is correspondingly to extended to September 22, 2006. No other deadlines are extended.

The request for an order barring harassment of the plaintiff by Rachel Basher presents thornier problems. First, the factual premises that underlie the plaintiff's request are sharply disputed. Second, the plaintiff offers no authority for the entry of such an order by this court, particularly in light of the familial connections between the plaintiff and Rachel Basher. Finally, enforcement of such an order is likely to embroil the court in satellite disputes about what constitutes harassment and whether contacts by non-parties are being undertaken at the behest of the defendants. Resolving those problems would require factual hearings and legal briefing,

exercises which at this point appear to be a needless diversion of the litigants' resources.

Accordingly, the court declines to enter the requested order at this time, without prejudice to renewal if further incidents that constitute alleged harassment should occur. The parties should be aware, however, that upon renewal the court will be obliged to put the parties through the types of proceedings noted above.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
August 29, 2006